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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,516	10/12/2001	Vijaykumar M. Patel	PF02025NA/10-29	2608
51874	7590	08/14/2006	EXAMINER	
LAW OFFICES OF CHARLES W. BETHARDS, LLP			PARTHASARATHY, PRAMILA	
P.O. BOX 1622			ART UNIT	
COLLEYVILLE, TX 76034			PAPER NUMBER	

2136

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,516

Applicant(s)

PATEL ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 and 20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to request for reconsideration filed on June 16, 2006. Claims 2 – 8, 11 – 14, 18 and 20 – 22 have been amended. Claims 2 – 18 and 20 – 22 are pending.

Allowable Subject Matter

2. Claims 2 – 18 and 20 are allowed.

Response to Remarks/Arguments

3. Applicant's remarks/arguments filed on July 24, 2006, with respect to Claims 21 and 22, have been fully considered but they are not persuasive.

Regarding independent Claims 21 and 22, Applicant argues that Ando et al. (U.S. Patent Number 6,895,432) do not teach "communicating responsive to determining that the data packet is potentially harmful" and further that "the router clearly relies on information corresponding to that provided by the destination device". These arguments are not persuasive.

Ando teaches, "The unauthorized intrusion monitor (refers to border router information) registers an unauthorized access information table and determines an information distributed destination", "The border router **notifies** (communicating

responsive to determining that the data packet is potentially harmful) other routers in the system and **requests the other routers to register the same content in the unauthorized access information table in each border router** (the router **does not** relay on information corresponding to that provided by the destination device, i.e., **router updates their potentially harmful data packet information from the information that was relied on by the border router**)”, see Column 6 line 1 – 33.

Prior art teachings have been **detailed** below.

Examiner suggests and recommend applicant amending the claims in a manner to distinct applicant's invention with prior art with **attention** given to the specification (Paragraph [0014 lines 11 – 28]).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 21 – 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (U.S. Patent Number 6,895,432).

3. Regarding Claim 21, Ando teaches

monitoring a data packet sent from an originator via the router and addressed to a destination device other than the router (Column 5 lines 14 – 67);

determining in the router whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupting transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, the interrupting further comprising the step of communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmitting the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art);

wherein the determining in the router whether the data packet is potentially harmful to the destination device further comprises determining the router, without using information originated by the destination device, whether the data packet is potentially harmful to the destination device (Fig. 14, 20 – 22; Column 6 lines 1 – 33 and Column 9 lines 16 – 35).

4. Regarding Claim 22, Ando teaches

a plurality of I/O ports for accepting a data packet sent from an originator via the router and addressed to a destination device other than the router, and for transmitting the data packet to the destination device (Column 5 lines 14 – 67); and

a processor coupled to the plurality of I/O ports for processing the data packet; wherein the processor is programmed to: monitor the data packet (Column 5 lines 14 – 67);

determine whether the data packet is potentially harmful to the destination device (Column 5 lines 14 – 67);

interrupt transmission of the data packet in response to determining that the data packet is potentially harmful to the destination device, including communicating with a second router to cause the second router to interrupt transmission of a future data packet (Column 6 lines 1 – 49); and

transmit the data packet in response to determining that the data packet is not potentially harmful to the destination device (Background prior art);

wherein the processor is further programmed to determine, without relying on information originated by the destination device, whether the data packet is potentially harmful to the destination device (Fig. 14, 20 – 22; Column 6 lines 1 – 33 and Column 9 lines 16 – 35).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

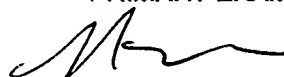
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

August 09, 2006.



NASSER MOAZZAMI
PRIMARY EXAMINER


8, 11, 06